IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 893 OF 2006

M/s.Polycab Wires Pvt. Ltd.... .. Applicant.
Versus
M/s.B.T.Electric Co. & Ors..... Respondents.

Mr. Chaturvedi for the Applicant.
Mrs. M.M. Deshmukh, APP for State.

CORAM : D. B. BHOSALE, J.

DATED : 3RD JULY, 2006.

P.C.:

Heard learned Counsel for the parties.

2. This is an application under Section 378(3) of the Criminal Procedure Code seeking leave to appeal against the judgment and order dated 25th October, 2005 passed by the learned Metropolitan Magistrate's 30th Court, Kurla, Mumbai, in Criminal Case No. 7847/SS of 2005, by which the Respondent / Accused have been acquitted of the offence punishable under Section 138 of the Negotiable Instruments Act.

3. The learned Magistrate in paragraphs 9 and 10 of the impugned judgment has clearly recorded that after demand notice was received by the accused within the

stipulated time he paid the entire amount which the Complainant in its evidence has admitted to have received as per the demand notice. However, the Complainant has stated that it was adjusted against the running account. In the circumstances the learned Magistrate has dismissed the complaint. I find no infirmity in the order impugned. It is clear that the accused made over the amount mentioned in the demand notice within the stipulated period which complainant should not have adjusted towards any other account. In the circumstances, the application seeking leave to appeal against the order impugned is rejected.

Sd/-

(D. B. BHOSALE, J.)